

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**CONDITIONAL USE PERMIT REPORT #FCU-16-07**  
**MICHAEL KRACHUN 2010 TRUST**  
**MAY 20, 2016**

This is a report to the Flathead County Board of Adjustment regarding a request by Michael Krachun on behalf of the Michael Krachun 2010 Trust for a conditional use permit to allow for a "Rifle range" on the subject property within the Echo Lake Zoning District.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on June 7, 2016 beginning at 6:00 P.M. in the 2<sup>nd</sup> floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

This space is reserved for an update regarding the May 26, 2016 Bigfork Land Use Advisory Committee review of the proposal.

**B. Board of Adjustment**

This space is reserved for an update regarding the June 7, 2016 Flathead County Board of Adjustment review of the proposal.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Applicant**

Michael Krachun 2010 Trust  
P O Box 2611  
Bigfork, MT 59911

**ii. Landowner(s)**

Michael Krachun 2010 Trust  
P O Box 2611  
Bigfork, MT 59911

**iii. Technical Assistance**

None.

**B. Property Location and Size**

The 60.4 acre subject property is located at 395 Echo Bay Trail (see Figure 1 below). The property can be legally described as Tract 3A in Lot 5 in the Southeast Quarter of the Northwest Quarter in Section 06, Township 27 North, Range 19 West, P.M.M. in Flathead County Montana.

**Figure 1:** Subject property outlined in blue.



**C. Existing Land Use(s) and Zoning**

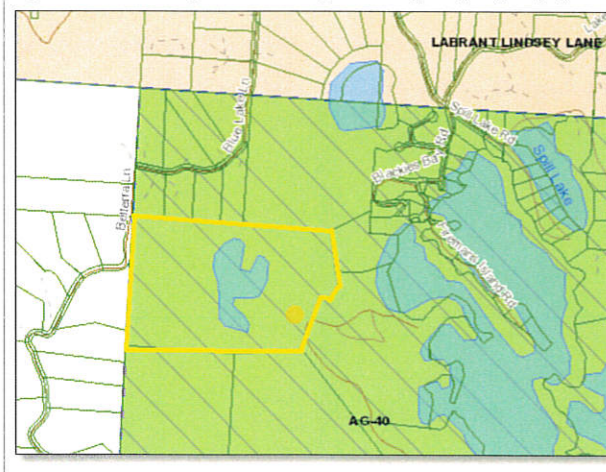
Located within the Echo Lake Zoning District, the property is zoned ‘AG-40 Agricultural’, a district described as *“a district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.”*

The subject property is currently developed with single lane access roads, a gravel parking lot 140 feet by 100 feet and residence currently under construction.

**D. Adjacent Land Use(s) and Zoning**

The properties that surround the subject property to the north, east and south are similarly zoned AG-40. The property to the west currently does not have a zoning designation. The general character of the surrounding area is rural, undeveloped with limited residential use.

**Figure 2:** Zoning surrounding the subject property (outlined in yellow)



**E. Summary of Request**

The applicant is requesting a conditional use permit for a ‘rifle range’ on the subject property, the review of which is subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a conditional use permit.

Per Section 7.17.110 a ‘Rifle Range’ is defined as, *“A general term that includes uses in which the primary or accessory activity includes shooting sports that involve the firing of*



*rifles, shotguns, and/or pistols by the general public or club membership in a structured or controlled setting. Such uses may include, but are not limited to, gun clubs, sportsman clubs, shooting clubs or ranges, skeet ranges, trap ranges, and firing ranges”.*

According to the site plans submitted, the rifle range will consist of a gravel parking lot 140 feet by 100 feet, shooting range site #1 (Figure 3) which will be located in a bowl shaped depression approximately 375 feet by 150 feet and a second shooting range site (Figure 4) which will be located in a second bowl shaped depression approximately 105 feet by 105 feet.

**Figure 3:** Shooting Range Site 1



**Figure 4:** Shooting Range Site 2



#### **F. Compliance With Public Notice Requirements**

Notification was mailed to property owners within 150 feet of the subject property on May 20, 2016, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application will be published in the May 22, 2016 edition of the Daily Interlake.

### **G. Agency Referrals**

Referrals were sent to the following agencies on May 2, 2016:

- Flathead County Solid Waste (FCSW)
  - Reason: The property is located within the department's jurisdiction and has the potential to impact county facilities.
- Flathead City-County Environmental Health Department
  - Reason: The property is located within the department's jurisdiction.
- Flathead County Road and Bridge Department
  - Reason: The property is located within the department's jurisdiction and new construction could impact County facilities.
- Flathead County Weeds and Parks Department
  - Reason: The property is located within the department's jurisdiction and new construction could lead to the development of weeds on the subject property.
- Bonneville Power Administration
  - Reason: The BPA has requested a copy of all agency referrals.
- Creston Fire Department
  - Reason: The property is located within the department's jurisdiction and has the potential to impact Creston Fire Department response times. (*Sent May 10, 2016*)

## **III. COMMENTS RECEIVED**

### **A. Public Comments**

To date, Flathead County Planning and Zoning Department has received ten written public comments regarding this conditional use permit request. The comments, mostly in opposition to this request, center on access, noise and safety concerns. It is anticipated any individual wishing to provide verbal comment on the proposal will do so during the Bigfork Land Use Advisory Committee meeting on May 26, 2016 and the Flathead County Board of Adjustment public hearing scheduled for June 7, 2016. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

### **B. Agency Comments**

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Bonneville Power Administration
  - Comment: "In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time." Email dated May 13, 2016.
- Flathead City-County Health Department
  - Comment: "We have no objection to the issuance of the Conditional Use Permit. No water service is proposed to be provided. Permanent facilities for waste disposal must be provided as this is proposed to be a permanent facility. A vaulted pit privy must be provided for restroom use. Port-a-potties cannot be approved. In accordance with Flathead County Regulations for Onsite Sewage Treatment Systems, Section 11.2, portable chemical toilets may only be used for temporary events, construction sites, and other locations where permanent wastewater systems are not required."

Letter dated May 9, 2016

- Flathead County Solid Waste
  - Comment: “The district views no negative impact with solid waste issues at this time. The District requests that all solid waste generated at the proposed location be hauled by a private hauler to the landfill. Allied Waste is the licensed (PSC) Public Service Commission licensed hauler in this area.” Letter dated May 9, 2016
- Creston Fire District
  - Comment: “This project lies within the Creston Fire District and does pose a couple concerns. Below are two excerpts from our original letter regarding the Belterra Subdivision.  
*First, the road design must meet County standards. In the map supplied it is difficult to determine road slopes by we ask that 9% not be exceeded and even at 9% these must be for short distances with a run out. Main roads are to be signed and any branch roads must also be signed. Driveways must be kept trimmed back to allow safe access for emergency equipment. Home addresses are to be displayed in such a manner that each can be viewed from the main roadway.*  
*Our last major concern is in regard to the wildland interface issue. Wildfire is a tremendous concern in this area and we would encourage the developers to require that each homeowner meet the standards of the Firewise Program. This should be spelled out in the covenants to assure resident safety as a whole.*  
The Krachun project would potentially increase the vehicle traffic to the area which thus would impact the overall safety for those visitors and for those who reside in the area. These roads are not really designed for a large traffic volume and it would be important that this additional traffic be monitored.  
With regard to the wildfire potential in this area we cannot ignore the increase in that potential with an increased use of the property. During drier times of the year it is important that smoking only be allowed in certain open areas and that any open fires be closely monitored and also be located in the open. We would also ask that no Tannerite (exploding) targets be used at this facility.  
And finally there are the normal concerns of such a facility in what can be deemed a residential area. While not being opposed to this project as a whole it will be a critical component that users be monitored on a consistent basis to assure they are following safety rules.” Letter dated May 18, 2016
- Flathead County Road and Bridge Department
  - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated May 4, 2016

#### **IV. CRITERIA REQUIRED FOR CONSIDERATION**

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

##### **A. Site Suitability**

##### **i. Adequate Usable Space**

The subject property is currently undeveloped. The lot is approximately 60.4 acres and in an AG-40 zone the permitted lot coverage is 20 percent. The application states, "Distance to nearest property line is 500 ft." The site plan indicates the gravel parking lot for users of the shooting range is 140 feet by 100 feet, proposed shooting range site #1 will be approximately 125 yards by 50 yards or 375 feet by 150 feet and the proposed shooting range site #2 will be 35 yards by 35 yards or 105 feet by 105 feet. The total square footage of the parking lot and two proposed shooting sites is 81,275 square feet which is approximately 1.9 acres. This equals lot coverage of .03 percent.

Based upon staff's site visit and the submitted site plan, it appears the subject property has adequate useable space to accommodate the shooting range sites and parking lot.

**ii. Adequate Access**

The subject property is located off of Echo Bay Trail. Echo Bay Trail is a private, paved, 15 foot wide, local road within a 60 foot easement. The applicant states, "Access is via Echo Bay Trail which is asphalt paved surface throughout the entire length." According to Flathead County Document 20002011630 Supplemental Easement Agreement, "1. Grant of Easement (BCM to Hollinger):...BCM does hereby grant, convey and transfer to Hollinger, their heirs, successors and assigns forever, a nonexclusive easement, in common with others,...The easement granted by BCM to Hollinger shall be sixty (60) feet in width and shall be used for the following purposes: a. For roadway travel (ingress and egress) and for installation, maintenance and repair of underground utility services to Hollingers property or any tracts, pieces or parcels thereof divided therefrom. The parties wish to limit the use of this easement to residences and recreational enterprises. They also wish to limit the amount of traffic over the roadway to Hollingers property, therefore they agree this easement shall extend to and provide access for no more than seventy (70) single family residences and any recreational enterprises."

Stated in one of the submitted site maps, "Entrance of the property to proposed site is .3 mile on a 14 foot wide...gravel road." According to Section 6.16.020(3) "...No roadway shall be less than 10 feet wide for one-way traffic or 20 feet wide for two-way traffic." The applicant is aware of concerns of access with a 14 foot wide road. The rifle range will be open to the public on an appointment only basis. A security gate will be installed at the head of the access road at which the applicant will meet the members of the public who have an appointment, open the gate for their vehicle and close the gate behind them preventing any unsupervised use of the range and access for individuals who do not have an appointment to utilize the facility. At the end of the appointment, the applicant will travel with the users of the range, open the gate and then close it again to regulate access until the next appointment. Due to the fact access to the shooting range sites will be by appointment only, one way traffic road width should be adequate. The applicant is not expecting more than three to five cars a day to access the parking lot and rifle ranges.

Comment from the Flathead Road and Bridge Department states, "At this point the County Road Department does not have any comments on this request."

The existing approach is off of Echo Bay Trail and would continue to provide ingress and egress to the property. (see Figure 3) An approach permit is not necessary from the County Road and Bridge Department due to the fact Echo Bay Trail is a local, private road.



**Figure 3:** Access off of Echo Bay Trail

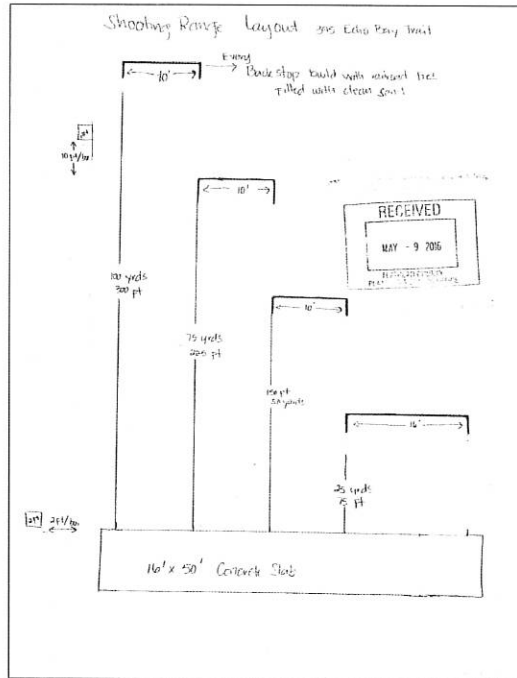


**iii. Absence of Environmental Constraints**

The subject property is uneven with significant elevation changes and is located on FEMA FIRM panel 30029C1865J. The lot is designated as un-shaded Zone X. The un-shaded Zone X is classified as an area determined to be outside the 0.2% annual chance floodplain. Talmadge Lake is, according to the Flathead County Geographic Information Systems Interactive Map Site, an approximately 7.1 acre lake located on the property. The shooting range sites, according to historical photographs, appear to have filled with water significantly in 2011 and 2012 during high water years. The applicant is aware of these events and has deliberately chosen to not put permanent structures in the shooting range sites. In communications dated May 17, 2016, the applicant has stated, "I understand and (am) aware of flooding in this area...That's why there (is) no structure(s) being built other than the sandboxes."

The applicant states, "Adequate bullet backstop will be installed to protect against (ammunition) leaving the target site. Targets and backstop will be designed to prevent any ricochet bullets." The shooting range layout submitted by the applicant shows the layout of proposed shooting range site with a 16 foot by 50 foot concrete slab for the marksmen with a 16 foot wide backstop placed at 25 yards, and 10 foot wide backstops placed at 50 yards, 75 yards and 100 yards. The layout states, "Every backstop built with railroad ties and...clean sand." (see Figure 4) The applicant has stated in communications dated May 17, 2016, "We will pick up all brass cartridges to be recycled. All lead will be sifted/screened and recycled."

**Figure 4: Shooting Range Layout**



The applicant has begun the process of approval for a firing range through the County Commissioners. They have obtained sign off from the Sheriff's Office and are waiting for the outcome of the this application to obtain Zoning Administrator sign off before it will be before the County Commissioners for the final approval.

**Finding #1** – The site appears suitable for the rifle range because the proposed shooting range sites and parking lot meet applicable bulk and dimensional requirements, there appears to be adequate access via a paved private road and gravel road since access to the rifle range will be by appointment only resulting in one way traffic and no more than 5 cars are expected per day and there are currently no unmitigated environmental impacts present on site.

## **B. Appropriateness of Design**

### **i. Parking Scheme**

The applicant states, "Gravel surface parking will be provided for 25 cars." Section 6.01.010(2)(A) [FCZR] indicates a parking space for standard vehicles measures 9 feet by 20 feet. The parking area is approximately 140 feet long by 100 feet wide (see Figure 5) as identified on the site map. The overall width of 64 feet necessary to accommodate 90 degree parking with two way traffic appears able to be obtained on the existing parking area and can accommodate the anticipated 25 cars. The applicant is not expecting more than three to five cars to visit the site per day due to the fact use of the proposed rifle range is by appointment only and the use will be supervised while the people are on premises.



**Figure 5: Parking lot**



**ii. Traffic Circulation**

The subject property is located off Echo Bay Trail. Echo Bay Trail is a paved two lane private road within a 60 foot easement. The applicant states, "Traffic will be single access two way road," and one of the site maps submitted further states, "Entrance of the property to proposed site is .3 mile on 14 ft. wide...gravel road...Oil will be applied on gravel road to minimize dust if necessary." In communications sent on May 13, 2016 concerning the question of dust control, the applicant states, "I will oil the gravel road and the parking lot once a year or as needed to minimize the dust." The existing access would continue to provide ingress and egress to the property.

Use of the proposed rifle range will be by appointment only, the applicant is not anticipating more than three to five cars per day. Per section 6.16.020(3) FCZR "...No roadway shall be less than 10 feet wide for one-way traffic or 20 feet wide for two-way traffic." The applicant is aware of concerns of access with a 14 foot wide road. The rifle range will be open to the public on an appointment only basis. A security gate will be installed at the head of the access road at which the applicant will meet the members of the public who have an appointment, open the gate for their vehicle and close the gate behind them preventing any unsupervised use of the range and access for individuals who do not have an appointment to utilize the facility. At the end of the appointment, the applicant will travel with the users of the range, open the gate and then close it again to regulate access until the next appointment.

**iii. Open Space**

The subject property is currently developed with access roads, parking lot and residence under construction. The lot is approximately 60.4 acres. In an AG-40 zone the permitted lot coverage is 20%. The application states, "No specific open space will be provided." The lot coverage with the two shooting range sites and parking lot come to .03 percent of the total lot coverage.

Based upon staff's site visit and submitted site plans, it appears the subject property has adequate open space to accommodate the proposed use.

### **Fencing/Screening**

As the applicant states, "No fencing or screening will be provided." The use of topographical features on the property and strategic placement of the shooting range sites appear to mitigate potential safety hazards. The AG-40 zoning designation does not require any fencing or screening. All fencing constructed shall comply with Section 5.04 FCZR.

#### **iv. Landscaping**

The applicant states, "No specific landscaping will be provided." No landscaping is required for a rifle range in FCZR. The placement of the shooting range sites utilizes the existing, naturally occurring landscape to mitigate, as much as possible, sound, visual and safety concerns as well as odors.

**Finding #2** – The parking, traffic circulation, open space, fencing/screening and landscaping appears to be adequate for the proposed use because the gravel parking area appears to meet applicable parking standard while allowing for adequate traffic circulation, access to the proposed use will be by appointment only, it appears the subject property has adequate open space to accommodate the proposed shooting range sites and parking lot and there are no fencing/screening or landscape requirements for rifle ranges.

#### **v. Signage**

The applicant states "Small signs advocating gun safety will be posted in the immediate vicinity of the range and parking lot area." Any signs installed on the property in the future, require compliance with Section 5.11.040(1) FCZR.

#### **vi. Lighting**

The applicant states "No lighting will be provided." Exterior lighting if installed would be required to comply with the performance standards set forth in [FCZR] Section 5.12 Yard, Street and Security Lighting.

**Finding #3** – The signage and lighting on the subject property appear adequate because the applicant is posting gun safety signage on site and any future signage and lighting shall be conditioned to adhere to all applicable zoning regulations.

### **C. Availability of Public Services and Facilities**

#### **i. Sewer**

The application states, "Vaulted toilet per Environmental Health specifications." Comments from the Flathead County Environmental Health Department state, "We have no objection to the issuance of the Conditional Use Permit. No water service is proposed to be provided. Permanent facilities for waste disposal must be provided as this is proposed to be a permanent facility. A vaulted pit privy must be provided for restroom use. Port-a-potties cannot be approved. In accordance with Flathead County Regulations for Onsite Sewage Treatment Systems, Section 11.2, potable chemical toilets may only be used for temporary events, construction sites, and other locations where permanent wastewater systems are not required."

The installation of a vaulted pit privy appears adequate for the use of the rifle range and will be conditioned and verified after one year.

**ii. Water**

The application states, "No water service will be provided."

**iii. Storm Water Drainage**

The application states "Storm water collection and conveyance will be provided as necessary for the entrance road and parking area." Currently storm water run-off is handled through on-site absorption. The applicant shall contact the Flathead City-County Environmental Health Department to determine if review will be required. This will be conditioned and verified after one year.

**Finding #4** – There appears to be adequate availability of sewer, water and storm drainage for the proposed use because the property will be serviced by a vaulted pit privy, no water service is proposed and storm water run-off will be managed on-site.

**iv. Fire Protection**

The subject property is served by the Creston Rural Fire District, and is located approximately eight miles southeast of an existing fire station. Due to the close proximity to the fire station, it is anticipated response times in the event of an emergency would be reasonable. Comment from the Creston Rural Fire Department states, "The Krachun project would potentially increase the vehicle traffic to the area which thus would impact the overall safety for those visitors and for those who reside in the area. These roads are not really designed for a large traffic volume and it would be important that this additional traffic be monitored.

With regard to the wildfire potential in this area we cannot ignore the increase in that potential with an increased use of the property. During drier times of the year it is important that smoking only be allowed in certain open areas and that any open fires be closely monitored and also be located in the open. We would also ask that no Tannerite (exploding) targets be used at this facility.

And finally there are the normal concerns of such a facility in what can be deemed a residential area. While not being opposed to this project as a whole it will be a critical component that users be monitored on a consistent basis to assure they are following safety rules."

**v. Police Protection**

The property would be served by the Flathead County Sheriff's Department. The Sheriff's Office is located in Kalispell. It is anticipated response times in emergency would not be unreasonably long given the property's proximity to a rural, developed area of the County.

**vi. Streets**

The subject property is located on and accessed from Echo Bay Trail. Echo Bay Trail is a paved, 14 feet wide, private road within a 60 foot easement which is accessed from McCaffrey Road. Access to the site from Echo Bay Trail is .3 miles on a gravel road which is 14 feet wide and for which easement is granted under Flathead County Document 20002011630 Supplemental Easement Agreement. Comment from the Flathead Road and Bridge Department states, "At this point the County Road Department does not have any comments on this request." Access to the proposed use will be by appointment only. The anticipated addition of three to five cars per day at



the most for the proposed rifle range is not out of character for the current traffic use of the surrounding area and the gravel access to the proposed rifle range is adequate for single lane traffic due to appointment only access. It appears the roads are adequate to serve the proposed use.

**Finding #5** – The proposed use appears to have acceptable impacts on streets, and police and fire protection because the proposed use will generate at most an additional 5 cars use of Echo Bay Trail, the single lane gravel access road is adequate for appointment only access and the Creston Rural Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time.

#### **D. Immediate Neighborhood Impact**

##### **i. Excessive Traffic Generation**

The applicant states, “Maximum daily traffic anticipated is less than 25 vehicles, no traffic related problems are expected.” In further communications, the anticipated daily traffic generated by the application has been revised to three to five cars by appointment only. The subject property is accessed by Echo Bay Trail, which is accessed by McCaffrey Road. The addition of, at the most, five cars to the daily trips on McCaffrey Road as of the 2014 counts would increase the average daily trips by .018 percent. Traffic generated by the proposed use would have a minimal impact on the neighborhood due to the fact the rifle range will be open to the public on an appointment only basis.

##### **ii. Noise or Vibration**

The application states, “Noise will consist of firearm discharges. Distance to nearest residence is greater than 500 feet. This will protect against excessive noise reaching other than individuals using the range and they will be encouraged to wear adequate ear and eye protection.” The Shellinger gravel pit, located at 285 Mc Caffrey Road, is approximately .6 of a mile as the crow flies from the proposed shooting range sites. The associated noise and vibration of operation for a gravel extraction use could be considered out of character for a rural, residential area similarly to the noise generated by this proposed use. It is anticipated the proposed rifle range will generate noise due to nature of use and the noise will be mitigated to an extent due to the location of the shooting range sites, topographical features of the lot and size of lot.

##### **iii. Dust, Glare or Heat**

It is anticipated there will be some dust created by the proposed use due to the fact of the .03 mile of gravel road used to access the parking lot and the size of the gravel parking lot. The applicant has indicated the gravel road and parking lot will be oiled once a year and as needed to mitigate the effect of dust.

##### **iv. Smoke, Fumes, Gas, or Odors**

The applicant states, “No smoke, fumes, gas or odors are anticipated. The odor of burning gun powder will be limited to the immediate range area and will dissipate before leaving the property.” It is anticipated no smoke, fumes, gas or odors are to be generated by the proposed rifle range which will adversely affect neighboring properties.

**Finding #6** – The immediate neighborhood impact from the proposed use is acceptable because the proposed facility will not create excessive traffic, noise, vibration, dust, glare, heat, smoke, fumes, gas or odors.

**v. Inappropriate Hours of Operation**

The applicant states, "Hours of operation will be from one hour after sunrise to one hour before sunset. No night time use of the range will be allowed. Access gates will be locked at night." The property is located in a rural area with an operating gravel pit in the near vicinity. The proposed hours of operation would be during daytime hours and not anticipated to impact the immediate neighborhood more than existing land uses in the area.

**Finding #7** – The proposed hours of operation for use of the rifle range are not anticipated to negatively impact the neighborhood more than existing land uses because the proposed hours of operation would be one hour after sunrise to one hour before sunset which would be similar to other hours of operation in the area.

**V. SUMMARY OF FINDINGS**

1. The site appears suitable for the rifle range because the proposed shooting range sites and parking lot meet applicable bulk and dimensional requirements, there appears to be adequate access via a paved private road and gravel road since access to the rifle range will be by appointment only resulting in one way traffic and no more than 5 cars are expected per day and there are currently no unmitigated environmental impacts present on site.
2. The parking, traffic circulation, open space, fencing/screening and landscaping appears to be adequate for the proposed use because the gravel parking area appears to meet applicable parking standard while allowing for adequate traffic circulation, access to the proposed use will be by appointment only, it appears the subject property has adequate open space to accommodate the proposed shooting range sites and parking lot and there are no fencing/screening or landscape requirements for rifle ranges.
3. The signage and lighting on the subject property appear adequate because the applicant is posting gun safety signage on site and any lighting shall be conditioned to adhere to all applicable zoning regulations.
4. There appears to be adequate availability of sewer, water and storm drainage for the proposed use because the property will be serviced by a vaulted pit privy, no water service is proposed and storm water run-off will be managed on-site.
5. The proposed use appears to have acceptable impacts on streets, and police and fire protection because the proposed use will generate at most an additional 5 cars use of Echo Bay Trail, the single lane gravel access road is adequate for appointment only access and the Creston Rural Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time.
6. The immediate neighborhood impact from the proposed use is acceptable because the proposed facility will not create excessive traffic, noise, vibration, dust, glare, heat, smoke, fumes, gas or odors.
7. The proposed hours of operation for use of the rifle range are not anticipated to negatively impact the neighborhood more than existing land uses because the proposed hours of operation would be one hour after sunrise to one hour before sunset which would be similar to other hours of operation in the area.

**VI. CONCLUSION**

Upon review of this application the request to allow for a 'rifle range' on the subject property is generally supported by the review criteria and the Findings of Fact listed above. Should the

Flathead County Board of Adjustment choose to adopt staff report FCU-16-07 as Findings of Fact and approve the conditional use permit, the following conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts:

## **VII. CONDITIONS OF APPROVAL**

1. The 'rifle range' on the subject property shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. All fencing installed on the property shall be in compliance with Section 5.04 of the Flathead County Zoning Regulations.
4. Current and future lighting installed on the property shall be in compliance with Section 5.12 of the Flathead County Zoning Regulations.
5. All structure shall be located in accordance with the minimum yard and maximum height requirements of the AG-40 zoning district, pursuant to Section 3.05.040 of the Flathead County Zoning Regulations.
6. No Tannerite (exploding) targets are to be used at this facility.
7. The proposed use shall be reviewed and approved by the Flathead City-County Department of Environmental Health in order to obtain a well, storm drain and septic permit applicable to the rifle range. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
8. All spent ammunition from the use of the rifle range shall be collected as needed.
9. Access to the proposed use shall be by appointment only.
10. The proposed use shall not generate vehicle traffic in excess of that which is characteristic of the neighborhood in which it is located. Vehicle traffic shall not be increased by more than five (5) vehicle trips all day.
11. A signed approval of firing range shall be obtained through the Flathead County Board of Commissioners.
12. The conditional use permit shall terminate twelve (12) months from the date of authorization if commencement of the activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].
13. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].

Planner: DV